

# House File 2567 - Reprinted

HOUSE FILE 2567

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2505)

(SUCCESSOR TO HSB 702)

(As Amended and Passed by the House March 24, 2022)

## A BILL FOR

1 An Act relating to education, including requirements related to  
2 mandatory reporters, a process for investigating complaints  
3 against licensed practitioners, and the responsibilities  
4 of the department of education, school districts, charter  
5 schools, accredited nonpublic schools, and the board of  
6 educational examiners.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.69, subsection 1, unnumbered  
2 paragraph 1, Code 2022, is amended to read as follows:

3 The classes of persons enumerated in this subsection shall  
4 make a report within twenty-four hours and as provided in  
5 section 232.70, of cases of child abuse. In addition, the  
6 classes of persons enumerated in this subsection shall make a  
7 report of abuse of a child ~~who is under twelve years of age and~~  
8 ~~may make a report of abuse of a child who is twelve years of age~~  
9 ~~or older,~~ which would be defined as child abuse under section  
10 232.68, subsection 2, paragraph "a", subparagraph (3) or (5),  
11 except that the abuse resulted from the acts or omissions of  
12 a person other than a person responsible for the care of the  
13 child.

14 Sec. 2. Section 232.69, subsection 1, paragraph b,  
15 subparagraph (4), Code 2022, is amended to read as follows:

16 (4) A licensed school employee, certified para-educator,  
17 holder of a coaching authorization issued under section 272.31,  
18 full-time school employee who is eighteen years of age or  
19 older, or an instructor employed by a community college.

20 Sec. 3. Section 232.70, subsection 6, Code 2022, is amended  
21 by adding the following new paragraph:

22 NEW PARAGRAPH. *Of.* If the person making the report is a  
23 licensed school employee who reasonably believes the person  
24 responsible for the injury is a licensed school employee, the  
25 identity of the licensed school employee the person making the  
26 report believes is responsible for the injury.

27 Sec. 4. Section 256.9, Code 2022, is amended by adding the  
28 following new subsection:

29 NEW SUBSECTION. 65. *a.* Develop and implement a process  
30 for the reporting and investigation of any incident that arises  
31 that may reasonably lead to the conclusion that an individual  
32 with a license, endorsement, certification, authorization, or  
33 statement of recognition issued by the board of educational  
34 examiners who is employed by the board of directors of a  
35 school district or the authorities in charge of an accredited

1 nonpublic school has committed a felony or has engaged in  
2 conduct described in section 272.15, subsection 1, paragraph  
3 "a", subparagraph (1), subparagraph divisions (a) through (d).

4     *b.* The process shall prohibit the boards of directors of a  
5 school district and the authorities in charge of an accredited  
6 nonpublic school from entering into any of the following:

7       (1) A written or oral agreement that prohibits the board of  
8 directors of the school district or the authorities in charge  
9 of an accredited nonpublic school, an employee of the school  
10 district or the accredited nonpublic school, or a contractor  
11 of the school district or the accredited nonpublic school  
12 from discussing an incident, past performance or actions,  
13 past allegations leading to discipline or adverse employment  
14 action, or employee resignation with any governmental agent,  
15 governmental officer, or any potential employer.

16       (2) A written or oral agreement that waives the liability  
17 of an individual with a license, endorsement, certification,  
18 authorization, or statement of recognition issued by the  
19 board of educational examiners related to or arising from an  
20 incident, past performance or action, or past allegations of  
21 wrongdoing.

22     *c.* The board of directors of a school district or the  
23 authorities in charge of an accredited nonpublic school and  
24 contractors of the school district or the accredited nonpublic  
25 school shall be immune from any civil liability arising  
26 from discussing an incident, past performance or actions,  
27 past allegations leading to discipline or adverse employment  
28 action, or employee resignation with any governmental agent,  
29 governmental officer, or any potential employer.

30     *d.* If the board of educational examiners finds that  
31 the board of directors of a school district or the  
32 authorities in charge of an accredited nonpublic school  
33 has intentionally failed to follow the process established  
34 by this subsection regarding an incident, or the reporting  
35 requirements established pursuant to section 272.15, the

1 board of educational examiners shall assess a fine against  
2 an administrator of the school district or the accredited  
3 nonpublic school who failed to ensure compliance with the  
4 process of not less than five hundred dollars and not more than  
5 five thousand dollars. Payments of the fine provided in this  
6 paragraph shall be remitted to the treasurer of the state for  
7 deposit in the general fund of the state.

8     e. If the board of educational examiners finds that the  
9 board of directors of a school district or the authorities in  
10 charge of an accredited nonpublic school has intentionally  
11 concealed, or attempted to conceal from any governmental  
12 agent, governmental officer, or potential employer a founded  
13 incident, or any conduct required to be reported pursuant to  
14 section 272.15, the board of educational examiners shall assess  
15 a fine against an administrator of the school district or the  
16 accredited nonpublic school who assisted in the concealment, or  
17 attempted concealment, of an incident, or any conduct required  
18 to be reported pursuant to section 272.15, of not more than  
19 ten thousand dollars. Payments of the fine provided in this  
20 paragraph shall be remitted to the treasurer of the state for  
21 deposit in the general fund of the state.

22     Sec. 5. Section 256E.7, subsection 2, Code 2022, is amended  
23 by adding the following new paragraph:

24     NEW PARAGRAPH. *0i.* Be subject to and comply with the  
25 requirements of section 280.32 in the same manner as a school  
26 district.

27     Sec. 6. Section 272.2, subsection 14, paragraph b,  
28 subparagraph (1), unnumbered paragraph 1, Code 2022, is amended  
29 to read as follows:

30     The person entered a plea of guilty to, ~~or~~ has been found  
31 guilty of, or the board has found by a preponderance of the  
32 evidence that the person committed, any of the following  
33 offenses, whether or not a sentence is imposed:

34     Sec. 7. Section 272.2, subsection 15, Code 2022, is amended  
35 to read as follows:

1     15. a. Adopt rules that require specificity in written  
2 complaints that are filed by individuals who have personal  
3 knowledge of an alleged violation and which are accepted by  
4 the board, provide that the jurisdictional requirements as set  
5 by the board in administrative rule are met on the face of the  
6 complaint before initiating an investigation of allegations,  
7 provide that any investigation be limited to the allegations  
8 contained on the face of the complaint, provide for an adequate  
9 interval between the receipt of a complaint and public notice  
10 of the complaint, permit parties to a complaint to mutually  
11 agree to a resolution of the complaint filed with the board,  
12 allow the respondent the right to review any investigative  
13 report upon a finding of probable cause for further action by  
14 the board, require that the conduct providing the basis for  
15 the complaint occurred within three years of discovery of the  
16 event by the complainant unless good cause can be shown for  
17 an extension of this limitation, and require complaints to be  
18 resolved within one hundred eighty days unless good cause can  
19 be shown for an extension of this limitation.

20     b. Adopt rules that require the collection and retention of  
21 written complaints that are filed. If the board determines a  
22 written complaint is not founded, the complaint and all records  
23 related to the complaint shall be kept confidential and are not  
24 subject to chapter 22.

25     c. Adopt rules that require the board to notify the school  
26 that employs, or is seeking to employ, a licensed practitioner  
27 who is the subject of an ongoing investigation initiated under  
28 paragraph "a", of the existence and nature of the written  
29 complaint filed against the licensed practitioner. This  
30 paragraph shall not be construed to require the board to  
31 disclose unfounded, closed investigations initiated under  
32 paragraph "a".

33     d. Adopt rules that require the evaluation of complaints  
34 that did not result in any discipline or sanction if similar  
35 complaints are filed against the same licensed practitioner.

1 e. Adopt rules that require the board to investigate an  
2 administrator who is employed by the school that employs a  
3 licensed practitioner who is the subject of an investigation  
4 initiated under paragraph "a". The rules shall require  
5 the board to investigate whether the administrator filed a  
6 written complaint pursuant to this subsection and whether the  
7 administrator was required to report to the board pursuant to  
8 section 272.15.

9 Sec. 8. Section 279.69, Code 2022, is amended by adding the  
10 following new subsection:

11 NEW SUBSECTION. 1A. Prior to hiring an individual who  
12 has been issued a license, endorsement, certification,  
13 authorization, or statement of recognition by the board of  
14 educational examiners, a school district shall contact the  
15 board of educational examiners to determine if the individual  
16 is the subject of an ongoing investigation initiated pursuant  
17 to section 272.2, subsection 15, if a complaint has been filed  
18 against the individual pursuant to section 272.2, subsection  
19 15, if a report has been filed against the individual pursuant  
20 to section 272.15, or if the individual surrendered a license,  
21 endorsement, certification, authorization, or statement of  
22 recognition prior to the final disposition of an investigation.  
23 Information provided pursuant to this subsection shall be  
24 kept confidential, is not subject to chapter 22, and may only  
25 be shared with individuals directly involved in the hiring  
26 process. This subsection shall not be construed to require the  
27 board of educational examiners to disclose unfounded, closed  
28 investigations.

29 Sec. 9. NEW SECTION. **280.32 Incidents related to licensed**  
30 **practitioners — reporting and investigation.**

31 The board of directors of a school district and the  
32 authorities in charge of each accredited nonpublic school shall  
33 follow the process created by the department of education  
34 pursuant to section 256.9, subsection 65, related to the  
35 reporting and investigation of an incident involving the

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1 possible commission of a felony by any person who has been  
2 issued a license, endorsement, certification, authorization, or  
3 statement of recognition by the board of educational examiners.